



In the Matter of :

**ARIZONA DEPARTMENT OF
ECONOMIC SECURITY**

CASE NO. 94-JTP-18

DATE: July 19, 1996

and

CITY OF PHOENIX,

COMPLAINANTS/APPELLANTS

v.

U. S. DEPARTMENT OF LABOR,

RESPONDENT/APPELLEE.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD^{1/}

ORDER GRANTING STAY

The Arizona Department of Economic Security (ADES) and the City of Phoenix have requested a stay in the implementation of the Administrative Review Board's Final Decision and Order in this matter, pending a Petition for Review filed before the United States Court of Appeals for the Ninth Circuit. The Board's Order required ADES to repay to the U.S. Department of Labor (USDOL) a sum of money disallowed by the Grant Officer as JTPA costs.

Upon consideration of the request, it is ORDERED that--

^{1/} On April 17, 1996, a Secretary's Order was signed delegating jurisdiction to issue final agency decisions under the Job Training Partnership Act (JTPA), 29 U.S.C. §§ 1501-1791 (1988) and the regulations issued thereunder at 20 C.F.R. Parts 626-638 (1995), to the Administrative Review Board. 61 Fed. Reg. 19978 (May 3, 1996). The Board issued a Final Decision and Order in this case captioned *Arizona Department of Economic Security v. U.S. Department of Labor*, on June 7, 1996.

1. Implementation of the Final Decision and Order in this case IS STAYED pending review of it by the United States Court of Appeals for the Ninth Circuit; and that

2. The stay IS CONDITIONED UPON submission by ADES to the USDOL, within 30 days of the issuance of this Order, of a written agreement by ADES that, within 30 days after a decision by the court of appeals favorable to the USDOL has become final, ADES shall pay in cash in non-Federal funds to USDOL, the principal amount determined by the court to be owed to USDOL, and such further amount as may accrue in interest during the pendency of the court's review at the interest rates which USDOL would normally charge for delayed payment of the principal amount during that period. 29 C.F.R. § 20.50 *et seq.* *Department of Labor v. State of Florida Dep't of Labor and Employment Security*, Sec. Final Dec. And Order, Case No. 84-CTA-228, Dec. 9, 1988; *Florida Dep't of Labor v. U.S. Dep't of Labor*, 893 F.2d 1319 (11th Cir. 1990)(affirmed on other grounds).

SO ORDERED.

DAVID A. O'BRIEN

Chair

KARL J. SANDSTROM

Member

JOYCE D. MILLER

Alternate Member